PACKET TO
OPT OUT OF FRIEND OF THE COURT SERVICES

1. Completely fill out the top portion of the Motion to Opt Out of Friend of the Court Services - Do not complete the Notice of Hearing or Certificate of Mailing sections

2. Complete the top portion of both pages of the Advice of Rights form and bring it with you to your Conference

3. Complete the top portion of both pages of the Order Exempting Case From Friend of the Court Services and bring it with you to your Conference

4. File the completed original Motion at the Friend of the Court office

5. Filing fee paid by check or money order made out to Wexford County Clerk or Missaukee County Clerk (where you case is filed) must accompany the Motion
   A. $20 if your action is currently pending for filing fee
   B. $80 if your action is completed for filing fee and order fee

6. The Friend of the Court will send a Notice to both parties of the time to appear at the Friend of the Court office for a Conference to process the Motion

STATE OF MICHIGAN 28TH CIRCUIT COURT _____ COUNTY	MOTION TO OPT OUT OF FRIEND OF THE COURT SERVICES	CASE NO.

Friend of the Court address 401 N. Lake St., Cadillac, MI 49601 **Phone** 231-779-9494

Plaintiff's name, address and telephone no. Moving party ☐		Defendant's name, address and telephone no. Moving party ☐
	V	
Attorney: _____		Attorney: _____

1. ☐ a. On _____ a judgment or order was entered regarding custody, parenting time, and/or support.
   ☐ b. There is currently no order regarding custody, parenting time, and/or support.
2. Neither party receives public assistance for the child(ren).
3. Neither party requests Friend of the Court services.
4. There is no evidence of domestic violence or uneven bargaining position between the parties.
5. Declining to receive Friend of the Court services is not against the best interests of the child(ren).
6. No money is due the state because of past public assistance.
7. No arrearage has occurred in the last 12 months.
8. No custody or parenting time order violation has occurred in the last 12 months.
9. Neither party has reopened a Friend of the Court case in the last 12 months.
10. I do not want IV-D services and request that any existing IV-D case be closed.

I declare that the above statements are true to the best of my information, knowledge and belief.

_____ Date

_____ Signature of moving party

NOTICE OF HEARING

A hearing will be held on this motion before _____
Name of judge or referee

on _____ Date at _____ Time at _____ Place

CERTIFICATE OF MAILING

I certify that on this date I mailed a copy of this Motion and Notice of Hearing to the parties or attorneys by first-class mail at the above addresses.

_____ Date

_____ Signature

Updated October 2012

Approved, SCAO

Original - Court (to be filed with motion)
1st copy - Plaintiff
2nd copy - Defendant

STATE OF MICHIGAN 28th JUDICIAL CIRCUIT COUNTY	ADVICE OF RIGHTS REGARDING USE OF FRIEND OF THE COURT SERVICES (PAGE 1)	CASE NO.

Friend of the court address
401 N. LAKE ST., CADILLAC, MI 49601

Telephone no.
(231) 779-9494

1. **Right to Refuse Friend of the Court Services**

   a. You have the right to refuse friend of the court services for custody, parenting time, and support. To decline friend of the court services, you must file with the court a motion requesting that friend of the court services not be required. You must attach a signed copy of this advice of rights to the motion. The court will grant the motion provided both parties agree and have signed this advice of rights and it determines that all the following are true.
      1) Under MCL 552.505a, neither of you receives or has received public assistance or requests friend of the court services.
      2) There is no evidence of domestic violence or of an uneven bargaining position between you.
      3) The court finds that declining to receive friend of the court services is not against the best interests of a child.

   b. If you already have a friend of the court case, you can file a motion to discontinue friend of the court services provided both parties agree and have signed this advice of rights and the court finds that all the following are true.
      1) Neither of you receives public assistance or requests friend of the court services.
      2) There is no evidence of domestic violence or an uneven bargaining position between you.
      3) The court finds that declining to receive friend of the court services is not against the best interests of a child.
      4) No money is due the governmental entity because of past public assistance.
      5) No arrearage or violation of a custody or parenting-time order has occurred in the last 12 months.
      6) Neither of you has reopened a friend of the court case in the last 12 months.

2. **Friend of the Court Services (you will not receive these services if you choose not to use the friend of the court)**

   a. **Accounting Services**
      Friends of the court must collect support and disburse it within 48 hours. Friend of the court accounting services include: 1) friend of the court accounting for payments received and sent, 2) adjustments of support for parenting time or other credits, and 3) annual statements of accounts, if requested.

   b. **Support Enforcement Services**
      The friend of the court must begin to enforce support when one month of support is overdue. For friend of the court cases, child-support enforcement services include:
      - paying support out of tax refunds.
      - asking the court to order the nonpaying party to come to court to explain the failure to pay.
      - having unpaid support paid out of property the payer owns.
      - reporting support arrearage to a consumer reporting agency or requesting that the payer's license(s) be suspended.
      - collecting support by an income withholding order.

      If you choose not to receive friend of the court services, any existing income withholding source will be notified that the friend of the court is no longer responsible for income withholding. **The parties will be solely responsible for stopping or changing income withholding as the law allows.** The friend of the court will stop any unfinished collection actions.

   c. **Medical Support Enforcement Services**
      The friend of the court is required to recommend how the parents divide health-care expenses and to take action to collect the amounts that a parent fails or refuses to pay. When a parent is required to insure the children, the friend of the court is authorized to instruct an employer to enroll the children in an insurance plan when the parent fails or refuses to do so.

   d. **Support Review and Modification Services**
      Once every three years, persons with friend of the court cases may request the friend of the court to review the support amount. After completing the review, the friend of the court must file a motion to raise or lower support, or inform the parties that it recommends no change. It must also review support when changed circumstances lead it to believe that support should be modified.

   e. **Custody and Parenting-Time Investigation Services**
      For disputes about custody or parenting time in friend of the court cases, the friend of the court sometimes must investigate and provide reports to the parties and the court.

   f. **Mediation Services**
      Friend of the court offices must provide mediation services to help parties with friend of the court cases settle custody and parenting-time disputes.

   g. **Custody and Parenting-Time Enforcement Services**
      For friend of the court cases, the friend of the court must enforce custody and parenting time when a party complains that it is violated. Child-custody and parenting-time enforcement services include:

(See page 2)

Approved, SCAO

Original - Court (to be filed with motion)
1st copy - Plaintiff
2nd copy - Defendant

STATE OF MICHIGAN 28th JUDICIAL CIRCUIT COUNTY	ADVICE OF RIGHTS REGARDING USE OF FRIEND OF THE COURT SERVICES (PAGE 2)	CASE NO.

Friend of the court address
401 N. LAKE ST., CADILLAC, MI 49601

Telephone no.
(231) 779-9494

2. **Friend of the Court Services (you will not receive these services if you choose not to use the friend of the court)** (continued from page 1)

   g. **Custody and Parenting-Time Enforcement Services** (continued from page 1)
   - asking the court to order the noncooperating party to come to court to explain the failure to obey the parenting-time order.
   - suspending the licenses of individuals who deny parenting time.
   - awarding makeup parenting time.
   - joint meetings to resolve complaints.

3. **Michigan State Disbursement Unit and IV-D Services**

   a. **Michigan State Disbursement Unit (MiSDU)**
   If you choose not to receive friend of the court services, you may continue to make and receive child support payments through MiSDU. MiSDU will keep track of the amount paid and sent out. However, MiSDU cannot provide you with all the accounting functions the friend of the court provides. All payments made through MiSDU must be distributed according to the amounts due as required by federal law. When a payer has more than one case, federal law determines how a payment is divided among the cases. **Even if you choose not to receive friend of the court services, payments through MiSDU must be divided among all a payer's cases and distributed in the same manner as payments on friend of the court cases. You cannot discontinue friend of the court services if you want to use MiSDU unless you first provide to MiSDU all the information that MiSDU needs to set up an account.**

   b. **Your Rights Under Title IV-D of the Social Security Act**
   Title IV-D of the Social Security Act provides federal government resources to collect child support and it allows certain funding to be used for parenting-time and custody services. In Michigan, critical Title IV-D services are delivered by the friend of the court. **If you choose not to receive friend of the court services, you cannot receive most Title IV-D services.**

4. **Public Assistance**

   Receipt of public assistance means receipt of any of the following benefits: cash assistance, medical assistance, food assistance, foster care, and/or child care.

ACKNOWLEDGMENT REGARDING SERVICES

Check below only if you do not want to receive friend of the court services. Then date, print name, and sign.

I have read this advice of rights and I understand the friend of the court services I am entitled to receive.

☐ I acknowledge that by signing below **I am choosing not to receive** any friend of the court services. I understand that before this choice can take effect, a motion requesting this choice and the other party's agreement must be filed with the court for approval. I also understand that the court may deny this choice if certain conditions are not met as stated in this advice of rights.

Name (type or print)	Name (type or print)
Signature Date	Signature Date

If you did not check the above box, you are choosing to receive friend of the court services. **For the most effective friend of the court services**, you can request Title IV-D services by dating and signing below.

I request Title IV-D services through the friend of the court office.

Date	Signature

Approved, SCAO

Original - Court
1st copy - Plaintiff

2nd copy - Defendant
3rd copy - Friend of the court

STATE OF MICHIGAN 28TH JUDICIAL CIRCUIT COUNTY	ORDER EXEMPTING CASE FROM FRIEND OF THE COURT SERVICES (PAGE 1)	CASE NO.

Court address
401 N. LAKE ST., CADILLAC, MI 49601

Telephone no.
(231) 779-9494

Plaintiff's name, address, and telephone no.	v	Defendant's name, address, and telephone no.
Attorney:		Attorney:

Date of hearing: _____ Judge: _____
Bar no.

THE COURT FINDS:

1. There is no evidence of domestic violence or of an unequal bargaining position between the parties to the case.
2. Granting the parties the relief they have requested would not be against the best interests of any child in the case.
3. The parties have filed executed copies of a form advising them of services they will not receive if their motion is granted.
4. Neither party receives public assistance.
5. No money is due the governmental entity because of past public assistance in the case.
6. No arrearage or custody or parenting-time order violation has occurred in the last 12 months in this case.
7. Neither party has reopened a friend of the court case in the last 12 months.

☐ 8. The parties do not want Title IV-D services and have requested that any existing Title IV-D case be closed. (Note: This box should be checked unless exceptional circumstances exist that entitle the Title IV-D case to remain open.)

IT IS ORDERED:

9. Subject to the provisions of item 14 below, this case is not a friend of the court case.

☐ 10. This case is not a Title IV-D case. (Note: This box should be checked if item 8 has been checked.)

11. The friend of the court shall not be involved in the enforcement, investigation, or accounting functions for custody, parenting time, or support in this case.
12. The parties are responsible for all enforcement and accounting functions for custody, parenting time, or support in this case.
13. Except as indicated below, there is no income withholding in this case, support will be paid directly by the payer to the payee, and the friend of the court shall terminate any existing income withholding. Should this case become a friend of the court case, the payer must keep the friend of the court advised of the name and address of the payer's source of income and any health-care coverage that is available to the payer as a benefit of employment or that the payer maintains, including the name of the insurance company, health-care organization, or health maintenance organization; the policy, certificate, or contract number; and the names and birth dates of the persons for whose benefit the payer maintains the coverage.

☐ a. Child support shall be paid through the Michigan State Disbursement Unit (MiSDU) by income withholding to the extent allowed by statutes and court rules; however, the friend of the court is not responsible for income withholding. The friend of the court shall notify the employer that it is no longer involved in the case and that any further information concerning income withholding will be provided by the parties.

(See page 2 for the remainder of the order.)

STATE OF MICHIGAN 28TH JUDICIAL CIRCUIT COUNTY	ORDER EXEMPTING CASE FROM FRIEND OF THE COURT SERVICES (PAGE 2)	CASE NO.

Court address
401 N. LAKE ST., CADILLAC, MI 49601

Telephone no.
(231) 779-9494

Plaintiff's name

v

Defendant's name

13. (continued)

☐ b. Child support shall be paid through MiSDU by the payer.

14. If child support payments are to be made through MiSDU by income withholding or otherwise, the friend of the court shall not close the friend of the court case until MiSDU notifies the friend of the court that it has been provided with the information necessary to process the child-support payments. There will be no accounting for support that is not paid through MiSDU.

15. The friend of the court shall open a friend of the court case if a party applies for or receives public assistance, a child is placed in foster care, or either party submits to the friend of the court a written request to reopen the friend of the court case. If this case becomes a friend of the court case for any reason, the following provisions shall apply.

a. The parties must cooperate fully with the friend of the court in establishing the case as a friend of the court case.

b. The parties must provide copies of all orders in their case to the friend of the court.

c. The parties must supply any documents that a party to a friend of the court case is required to supply if they have not already done so.

d. The friend of the court is not responsible for determining any support arrearage that is not indicated by payment made through MiSDU.

e. Support is payable through MiSDU effective the date the case becomes a friend of the court case.

f. The friend of the court may prepare and submit, ex parte, a uniform support order that contains all the statutory requirements of a Michigan support order as long as the order does not contradict the existing support order.

g. At the request of the friend of the court, the parties shall complete a Verified Statement and Application for Title IV-D Services.

Date

Judge

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this order on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 3.203.

Date

Signature